

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PAOLA GUEVARA, Minor, by her parents and	)	
next friends, MARIA GUADALUPE SALDANA,	)	
and VALENTIN GUEVARA,	)	
GUADALUPE SALDANA, Individually, and	)	
VALENTIN GUEVARA, Individually,	)	
	)	
Plaintiffs,	)	
	)	CASE NO: 14-CV-151
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**PETITION TO APPROVE A PARTIAL SETTLEMENT FOR A  
CAUSE OF ACTION ALLEGING MEDICAL NEGLIGENCE**

NOW COME the Petitioners, PAOLA GUEVARA, a minor, by her parents and next friends, MARIA GUADALUPE SALDANA and VALENTIN GUEVARA, MARIA GUADALUPE SALDANA, Individually, and VALENTIN GUEVARA, Individually (collectively "Petitioners"), by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD P.C., and in moving this Court for approval of a partial settlement, state as follows:

1. Petitioners are Maria Guadalupe Saldana and Valentin Guevara, Individually, and as parents of the minor, Paola Guevara. Paola Guevara was born on August 24<sup>th</sup>, 2011.
2. The lawsuit before this Court involves allegations of medical negligence against the United States of America and Mt. Sinai Medical Center related to the failure to timely diagnose and treat a bacterial infection causing meningitis in Paola Guevara.
3. This partial settlement only relates to the care and treatment provided by resident physicians at Mt. Sinai Hospital from approximately 12:30 a.m. to 6:00 a.m. on September 8<sup>th</sup>, 2011, when the attending physician, Dr. Lotke, diagnosed Paola Guevara with

meningitis and initiated treatment. The Defendant, Mt. Sinai Hospital, denies that the resident physicians were negligent in their care and treatment of Paola, and deny that any allegations of negligence caused or contributed to cause Paola any permanent injuries.

4. After the completion of the deposition of a first-year resident, Mehwish Aslam, M.D., a physician working at Mt. Sinai Hospital, a partial settlement was entered in between the Petitioners and Mt. Sinai Hospital in the amount of \$45,000.00. On April 15<sup>th</sup>, 2015, Mt. Sinai Hospital presented a Petition for a good faith finding pursuant to this settlement, which was granted by this Court.

5. The lawsuit will continue against the United States of America based on the allegations of negligence asserted against Dr. Pamela Roper, a pediatrician who examined and treated Paola on the morning of September 9<sup>th</sup>, 2011.

6. The law firm of Salvi, Schostok & Pritchard P.C. will not seek an attorney fee related to this partial settlement.

7. Salvi, Schostok & Pritchard P.C. does seek reimbursement for a portion of the litigation expenses incurred to date related to the prosecution of this case. Litigation expenses currently total \$31,091.23. The majority of these expenses relate to medical consultant fees. An itemization of expenses can be provided to the court.

8. Salvi, Schostok & Pritchard is seeking reimbursement of litigation expenses in the amount of \$15,000.00 related to this settlement.

9. A medical lien is also asserted by the Illinois Department of Health and Family Services in the amount of \$342,562.77. The Illinois Department of Health and Family Services has agreed not to pursue any reimbursement for its lien related to this settlement since the Plaintiff's attorney is not taking a fee. Therefore, after a reduction in the amount of \$15,000.00 for litigation expenses, there remains \$30,000.00 available to Paola Guevara, a minor. The

Petitioners are directed to open a restricted account with an appropriate financial institution to invest the net settlement of \$30,000.00 with an understanding that no withdrawal should be made from the account unless authorized by order of court.

10. Attached as Exhibit "A" is the sworn affidavit of Matthew L. Williams, lead attorney representing the Petitioners. It is Mr. Williams' opinion that the proposed settlement of \$45,000.00 is just and proper based on the overall facts and circumstances of this case, and is in the best interest of the minor, Paola Guevara.

11. The lawsuit will continue against the United States of America.

**WHEREFORE**, Petitioners pray that an Order be entered as follows:

- A. Approving the minor's partial settlement in the amount of \$45,000.00 with the finding that the settlement is fair and reasonable;
- B. Approving reimbursement for litigation expenses in the amount of \$15,000.00;
- C. Directing Maria Guadalupe Saldana and Valentin Guevara, as Petitioners and parents of Paola Guevara, a minor, to open an account with an appropriate financial institution to invest the net settlement funds of \$30,000.00; and
- D. Ordering that no withdrawals shall be made from the account, unless authorized by order of Court, at any time prior to Paola Guevara's 18<sup>th</sup> birthday.

SALVI, SCHOSTOK & PRITCHARD P.C.

By: /s/ Matthew L. Williams  
Attorney for Plaintiffs

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